

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

**BILL PAUL,**

**06-CV-1404-JE**

**Plaintiff,**

**ORDER**

**v.**

**FRED MEYER STORES, INC.,  
a foreign corporation,**

**Defendant.**

**KERRY M. L. SMITH**  
Smith & Fjelstad  
722 North Main Avenue  
Gresham, OR 97030  
(503) 669-2242

Attorneys for Plaintiff

**ALAN M. LEE**  
**FRANCIS T. BARNWELL**  
Bullard Smith Jernstedt Wilson  
1000 S.W. Broadway  
Suite 1900  
Portland, OR 97205  
(503) 248-1134

Attorneys for Defendant

1- ORDER

**BROWN, Judge.**

Magistrate Judge John Jelderks issued Findings and Recommendation (#51) on April 30, 2008, in which he recommended the Court grant Defendant's Motion for Summary Judgment (#19) as to Plaintiff's claim of discrimination based upon perceived disability and Plaintiff's claim that Defendant engaged in a pattern and practice of discriminating against employees in violation of the FMLA and OFLA. The Magistrate Judge also recommended the Court deny Defendant's Motion as to the balance of Plaintiff's claims. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

**CONCLUSION**

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#51) and, therefore, **GRANTS in part** and **DENIES in part** Defendant's Motion for Summary Judgment (#19).

IT IS SO ORDERED.

DATED this 14<sup>th</sup> day of July, 2008.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge